

House File 2411 - Enrolled

House File 2411

AN ACT

RELATING TO PARTICIPATION IN THE SOBRIETY AND DRUG MONITORING PROGRAM.

BE IT ENACTED BY THE GENERAL ASSEMBLY OF THE STATE OF IOWA:

Section 1. Section 321J.20, subsection 3, unnumbered paragraph 1, Code 2020, is amended to read as follows:

In addition to other penalties provided by law, a person's temporary restricted license shall be revoked if the person is required to install an ignition interlock device ~~or participate in a program established pursuant to~~ [chapter 901D](#) and the person does any of the following:

Sec. 2. Section 321J.20, subsection 3, paragraph b, Code 2020, is amended by striking the paragraph.

Sec. 3. Section 321J.20, subsection 9, Code 2020, is amended by striking the subsection.

Sec. 4. Section 901D.3, subsection 1, unnumbered paragraph 1, Code 2020, is amended to read as follows:

The department of public safety shall establish a statewide sobriety and drug monitoring program to be used by participating jurisdictions, which shall be available twenty-four hours per day, seven days per week. Pursuant to the provisions of [this chapter](#), a court or governmental entity, or an authorized officer thereof, within a participating jurisdiction may, as a condition of bond, pretrial release, sentence, probation, or parole, ~~or a temporary restricted license~~, do all of the following:

Sec. 5. Section 901D.3, subsection 2, Code 2020, is amended to read as follows:

~~2. a. A person who has been required to participate in the program by a court or governmental entity and whose driver's license is suspended or revoked shall not begin participation in the program or be subject to the testing required by the program until the person is eligible for a temporary restricted license under applicable law.~~

~~b. In order to participate in the program, a person shall be required to install an approved ignition interlock device on all motor vehicles owned or operated by the person.~~

~~c. A person wishing to participate in the program who has been charged with, pled guilty to, or been convicted of an eligible offense, but has not been required by a court or governmental entity to participate in the program, may apply to the court or governmental entity of the participating jurisdiction on a form created by the participating jurisdiction, and the court or governmental entity may order the person to participate in the program as a condition of bond, pretrial release, sentence, probation, or parole, ~~or a temporary restricted license~~. The application form shall include an itemization of all costs associated with participation in the program.~~

Sec. 6. Section 901D.5, subsection 3, Code 2020, is amended to read as follows:

3. Unless otherwise required by federal law, all alcohol or controlled substance testing performed as a condition of bond, pretrial release, sentence, probation, or parole, ~~or a temporary restricted license~~ shall utilize and input results to the data management system.

Sec. 7. Section 901D.7, subsections 1 and 2, Code 2020, are amended to read as follows:

1. Subject to [sections 901D.3](#) and [901D.6](#), a participant may be placed in the program as a condition of bond, pretrial release, sentence, probation, or parole, ~~or a temporary restricted license~~. ~~However, a person who has been required to participate in the program by a court or governmental entity and whose driver's license is suspended or revoked shall not begin participation in the program or be subject to the testing~~

~~required by the program until the person is eligible for a temporary restricted license under applicable law.~~

2. a. An order or directive placing a participant in the program shall include the all of the following:

(1) The type of testing required to be administered in the program and the in accordance with section 901D.3, subsection 1, paragraph "b".

(2) The length of time that the participant is required to remain in the program, which shall be for no less than ninety days. The order or directive shall additionally require

(3) A requirement that the participant not have failed a test result or have missed a required testing during the thirty-day period immediately preceding the end of participation in the program.

(4) A requirement that the participant submit to the law enforcement agency of the participating jurisdiction proof that the participant has installed an approved ignition interlock device on all motor vehicles owned or operated by the participant prior to the end of participation in the program, unless the court enters an order pursuant to paragraph "c" finding the participant is not required to provide proof of installation of an approved ignition interlock device as a condition of the participant's completion of the program.

b. The person issuing the order or directive shall send a copy of the order or directive to the law enforcement agency of the participating jurisdiction.

c. (1) A court shall only enter an order finding the participant is not required to provide proof of installation of an approved ignition interlock device on all motor vehicles owned or operated by the participant if any of the following apply:

(a) The participant will be ineligible for a temporary restricted license at the time the participant completes the program.

(b) The participant will not own a motor vehicle or have a motor vehicle registered in the participant's name at the time the participant completes the program, and the participant has submitted an affidavit stating such.

(2) If the court enters an order finding the participant is

not required to install an approved ignition interlock device under this paragraph, the court shall specifically state in the order the reasons for not imposing the requirement.

Sec. 8. Section 901D.9, subsection 2, Code 2020, is amended by striking the subsection.

Sec. 9. Section 901D.10, subsection 1, Code 2020, is amended to read as follows:

1. The department, in consultation with the judicial branch ~~and the department of transportation~~, shall by December 1, 2023, submit a report to the general assembly detailing the effectiveness of the program established pursuant to this chapter and shall make recommendations concerning the continued implementation of the program or the elimination of the program.

Sec. 10. REPEAL. 2017 Iowa Acts, chapter 76, section 17, as amended by 2019 Iowa Acts, chapter 66, section 4, is repealed.

PAT GRASSLEY
Speaker of the House

CHARLES SCHNEIDER
President of the Senate

I hereby certify that this bill originated in the House and is known as House File 2411, Eighty-eighth General Assembly.

MEGHAN NELSON
Chief Clerk of the House

Approved _____, 2020

KIM REYNOLDS
Governor